

### **REMARKS/ARGUMENTS**

Reconsideration of this Application and entry of this Amendment is respectfully requested.

#### **35 U.S.C. §102 Rejections**

Claims 1, 2, 5-8, 11-13, 16-19, 24, 25, 28-30, 33, and 34 stand rejected under 35 U.S.C. §102(e) as being anticipated by Cottone et al. (US 2004/0093058). Applicant respectfully traverses the rejection.

Independent claims 1, 13, and 24 have each been amended to recite that the tubular body of the stent is constructed from a first material and the at least one flaring member is constructed from a second material different than the first material, and that the at least one flaring member is weld-connected to the tubular body. Cottone et al. does not disclose or suggest such a stent. Instead, in Cottone et al., “the self-expanding region 200 is coupled to the balloon[-]expandable stent region 100 with an encapsulating membrane 300.” (paragraph [0023]). Accordingly, Cottone et al. does not disclose the weld-connection between the tubular body and the flaring member, as claimed. Because Cottone et al. does not disclose each and every feature recited in claims 1, 13, and 24, Cottone et al. does not anticipate these claims. Claims 2, 5-8, 11, 12, 16-19, 25, 28-30, 33, and 34 depend from and add features to one of independent claims 1, 13, and 24, and are therefore not anticipated by Cottone et al. for at least the same reasons as claims 1, 13, and 24. Applicants therefore respectfully request that the rejection be withdrawn.

#### **35 U.S.C. §103 Rejections**

Claims 3, 4, 9, 10, 14, 15, 20-23, 26, 27, 31, and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cottone et al. Applicant respectfully traverses the rejection.

As noted above, Cottone et al. does not disclose or suggest a weld connection between the tubular body and the at least one flaring member, as recited in amended independent claims 1, 13, and 24. One of ordinary skill in the art would not have been motivated to replace the encapsulating membrane of Cottone et al. with a weld connection because the claimed tubular body (balloon-expandable stent region) is constructed from a different material than the claimed flaring member (self-expanding region). Thus, claims 1, 13, and 24 are not rendered obvious by Cottone et al. Claims 3, 4, 9, 10, 14, 20-23, 26, 27, 31, and 32 depend from and add features to one of independent claims 1, 13, and 24. Accordingly, the dependent claims are patentable over

Cottone et al. for at least the same reasons as the claims from which they depend. Applicant therefore respectfully requests that the rejection be withdrawn.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 566-1888.

Respectfully submitted,

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